

APR 30 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/566,433

Confirmation No.: 5657

In re Application of

DAISUKE MUKAI et al

Group Art Unit: 1793

Filed: January 31, 2006

Examiner: Roe, Jesse Randall

For: LOW CO HYDROGEN STORAGE ALLOY

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

U.S. Patent & Trademark Office
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed April 11, 2008, applicants hereby provisionally elect with traverse, Species I, Claims 1-5, 11, 13 and 15, for initial examination in this application. No claims are generic to all identified species.

Applicants respectfully traverse the election requirement since a thorough and complete search for Species I, Claims 1-5, 11, 13 and 15 should also necessarily encompass a thorough and complete search for Species II, Claims 6-10, 12, 14 and 16. Thus, search and examination of all species herein could be made without serious burden. See MPEP §803 which states that “[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on its merits.” This policy should apply in the present application to avoid unnecessary delay and expense to applicants and duplicative examination by the Patent Office.

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Attorney Docket: 28950.0004

For at least the foregoing reasons, reconsideration and withdrawal of the election requirement and examination of all species herein are respectfully requested.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION

I hereby certify that the attached correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office at Facsimile Number (571) 273-8300 on 4/30 2008

By:



Hertense G. Coleman